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DEPARTMENT FOR DRL/ILSCR AND EUR/SE

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SUBJECT: TURKEY: MIXED REVIEWS ON NOVEMBER 25 STRIKE

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11. (SBU) SUMMARY: The nationwide strike by civil service workers November 25 drew more participants than expected and reduced the traffic flow in the country's main urban centers as many workers stayed home. Ankara airport was chaotic in the morning but ghostly quiet by late afternoon. Union leaders seem pleased with the strike's result, while government officials contend this was a political exercise since the two main organizers have links to the opposition parties. The main point of contention - whether International Labor Organization (ILO) treaties reign supreme on allowing public workers to strike - seems destined to be settled by the courts. END SUMMARY.

12. (U) The media reported that strike activities occurred throughout the country November 25, and that the private sector Revolutionary Labor Unions Confederation (DISK), Turkish Labor Unions Confederation (Turk-Is), and private sector unions for medical doctors and pharmacists had announced their support for the work stoppage. While the highest reported numbers of participants were in Ankara and Istanbul, clashes between protesters and police occurred in Corum, and police prevented demonstrators from marching to the town center in Yozgat. Peaceful activities were reported in Eskisehir, Balikesir, Erzurum, Canakkale, Tokat, Konya, Bitlis, Kirklareli, Bursa, Malatya, Hatay, Kayseri, Aydi, Sivas, Denizli, Diyarbakir, Mugla, Samsun, Gumushane, Van, Elzaig, Tekirdag, Agri, Mersin and Zonguldak. In Gaziantep, media reports indicated that workers gathered in the city center to protest the GOT and the USG, burning U.S. dollars.

Appeal to PM Erdogan  
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13. (SBU) The leftist-oriented Public Employees Unions Confederation (KESK) president Sami Evren took part in the strike in Istanbul, where 10,000 public workers marched from Capa to Bayazit and around 30,000 people gathered in Bayazit Square. Evren appealed to PM Erdogan to uphold Article 90 of the Constitution, which establishes the supremacy of international treaties over domestic law. KESK and the nationalist-oriented Public Workers Unions Confederation (KAMU-SEN) both believe this article should guarantee the right to collective bargaining and strikes, through the ILO treaties Turkey has signed. Evren underscored this, declaring that it was illegal for Erdogan to threaten the democratic activities of the unions through state authority.

14. (SBU) KESK legal advisor Ismet Beyli claimed December 1 that overall participation in the strike had been "very high" -- around 90 percent. He told us the strike was a turning point in Turkey's labor movement, not only because it was the largest ever of its kind but also because it included all of the provinces. He said that the government should ask itself how participation could be so high, "despite the threat of the state officials." The public had also been generally supportive of the strike, he said, aside from a few

isolated incidents at some train stations. Beyli said the government has launched administrative investigations against some KESK members, asking why the employees had been absent from work on November 25. Beyli stated that the government "may give administrative punishments or make deductions in salaries, (but) we will apply to the Council of State against those practices and we will win those cases."

15. (SBU) KAMU-SEN President Bircan Akyildiz participated in the strike in Ankara, where a group of his union members was disbursed by the police using pepper gas and several people were injured. Akyildiz said that those Turks longing for a country without any public employees could now see what such a country would look like. The union, he said, wants its democratic, economic, social and political rights. "The knife is at the bone," he added, "we cannot endure any more." He complained that the same politicians who "caused our suffering are now trying to silence our voices through threats."

16. (SBU) KAMU-SEN Secretary General Ismail Koncuk told us December 1 that the struggle of public employees to obtain democratic rights had "echoed all across the country." He said that the participation was greater than the unions had estimated. He lamented the pressures and "threats" that many members faced before the strike. In some places, he alleged that strike participants had been filmed by security forces and some employees were compelled to explain their actions to their bosses upon return to work. Such practices are against international agreements, Article 90 of the Constitution and basic principles of democracy, he claimed.

GOT: No Constitutional Right to Strike  
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17. (SBU) The GOT maintained its position that it sees no right to strike for public workers in either domestic or international law.

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PM Erdogan said the strike was not legal because "there cannot be any rights that are not mentioned in the laws." Huseyin Celik, one of the ruling Justice and Development Party's (AKP) vice-chairpersons, emphasized that the right to strike is not in the constitution. Istanbul Governor Muammer Guler echoed this theme, noting that while he respects workers seeking rights, "if they attempt acts that are not in compliance with the law, they will be subject to administrative and disciplinary consequences."

18. (SBU) AKP Vice-Chairman Huseyin Tanriverdi told us December 1 that there was no reason for public employees to strike because collective talks had already been completed and the unions had reached agreement on 18 chapters. Tanriverdi argued that demanding the right of collective bargaining and striking "should not be done by disturbing the comfort of the citizens. They should come and discuss these issues at the table." Tanriverdi claimed that the unions were not pleased with the outcome of the strike since only two public employee confederations participated and both of those are aligned with opposition parties -- the Nationalist People's Party (MHP) and the Republican People's Party (CHP). "This act was a political act rather than a move to acquire rights," he claimed. Regarding future steps, Tanriverdi said "ILO norms are our guidelines and we will provide all rights within that framework."

A Battle for the Courts  
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19. (SBU) COMMENT: Because this is clearly a case for judicial interpretation as to whether Article 90 of the constitution, and the ILO treaties that Turkey has signed, guarantee public sector workers the right to collectively bargain and strike, it is likely to wind up in the Turkish court system or the European Court of Human Rights (ECHR). While a previous case related to the right of public sector workers to collectively bargain and strike (Demir and Baykara v. Turkey) was decided by the ECHR against Turkey, the GOT appears determined not to implement that decision. With close to two million workers joining the strike on November 25 to demand its implementation, however, the GOT may decide it needs to reconsider

its stance.